



To the Honorable Council
City of Norfolk, Virginia

February 26, 2013


From: Frank M. Duke, AICP, Planning Director

Subject: Special Exception to
operate an Eating and Drinking
Establishment at 217 Grace Street –
Grace Street Grill

Reviewed: Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: 2/6

Approved:



Marcus D. Jones, City Manager

Item Number:

R-1

- I. **Recommendation:** Approval, considering compliance with *Zoning Ordinance* requirements and consistency with the approved plans.
- II. **Applicant:** Grace Street Grill by Wayne Showers
217 Grace Street
- III. **Description**
This application would allow an existing eating establishment, Grace Street Grill, to offer alcoholic beverages to its customers.
- IV. **Analysis**
 - The site is located Downtown which is developed with a mix of commercial and residential uses.
 - The *General Plan* designates this site as Mixed Use, making the proposed use consistent with the *General Plan*.
 - The proposed General Plan, *plaNorfolk2030*, designates this site as Downtown.
 - The site is located in a D-4 (Downtown Cultural and Convention Center) district which permits the use by Special Exception.
 - The proposed use meets *Zoning Ordinance* requirements for Eating and Drinking Establishments.

	Current	Proposed
Hours of Operation	7:00 a.m. until 11:00 a.m., Monday –Thursday 7:00 a.m. until 2:00 a.m., Friday and Saturday Closed on Sunday	Unchanged
Hours for the Sale of Alcohol	N/A	11:00 a.m. until 11:00 a.m., Monday –Thursday 11:00 a.m. until 2:00 a.m., Friday and Saturday Closed on Sunday
Seating Capacity	15 seats indoors 0 seats outdoors 18 total capacity	Unchanged

- Special Exception history

City Council Approval	Applicant	Changes
2/6/2007	Grace Street Grill by Steven H. Kiehl	Initial application
Pending	Grace Street Grill by Wayne Showers	Change in owner/operator

- This new use is not expected to generate any additional new vehicle trips per day.
 - The site is within walking distance of a light rail station and is near frequent bus service.
- The attached conditions ensure compliance with ordinance requirements.

V. Financial Impact

- The applicant is current on all real estate taxes.

VI. Environmental

- The proposed hours of operation are consistent with other similar uses in Downtown.
- The proposed use should not have an adverse impact on the surrounding uses.

VII. Community Outreach/Notification

- Legal notice was posted on the property on December 18.
- Letters were mailed to the Downtown Civic League President and the Downtown Norfolk Council on December 28.
- Notice was sent to the civic leagues by the Department of Communications on January 8.
- Letters were mailed to all property owners within 300 feet of the property on January 8.
- Legal notification was placed in *The Virginian-Pilot* on January 10 and 17.
- The Planning Commission Public Hearing was held January 24, 2013.

- Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

By a vote of **6 to 0**, the Planning Commission recommended that the request for a Special Exception be **approved**, subject to the conditions outlined in the attached ordinance.

IX. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Opponents and Proponents
- Ordinance
- Location Map
- Zoning Map
- Application
- Letters to the Civic Leagues

Proponents and Opponents

Proponents

Wayne Showers
217 Grace Street
Norfolk, VA 23510

Opponents

None

1/24/13 ts

Form CCO-003

Form and Correctness Approval:

Contents Approved:

By [Signature]
Office of the City Attorney

By [Signature]
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No. 45,014

R-1
AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT ON PROPERTY LOCATED AT 217 GRACE STREET.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Wayne Showers authorizing the operation of an eating and drinking establishment named "Grace Street Grill" on property located at 217 Grace Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 25 feet, more or less, along the southern line of Grace Street, beginning 52 feet, more or less, from the eastern line of Duke Street and extending eastwardly; premises numbered 217 Grace Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility shall be from 7:00 a.m. until 11:00 p.m. Sunday through Thursday, from 7:00 a.m. until 2:00 a.m. the following morning Friday and Saturday, and closed on Sunday. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages shall be from 11:00 a.m. until 11:00 p.m. Monday through Thursday, from 11:00 a.m. until 2:00 a.m. the following morning Friday and Saturday, and closed on Sunday.
- (c) The seating capacity for the restaurant

shall not exceed 15 seats indoors, no seats outdoors, and total occupancy, including employees, shall not exceed 18 people.

- (d) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The layout of the establishment will adhere to specifications of the floor plan attached hereto and marked as "Exhibit B."
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The facility shall remain current on all food and beverage taxes and business personal property taxes which may become due while it is in operation.
- (h) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the facility's staff and shall not be permitted within any restroom.
- (i) During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (j) A menu shall be provided containing an assortment of foods which shall be made

available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.

- (k) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (l) Any requirements, limitations, or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such requirement, limitation, or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (m) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises

until the event is concluded and the facility is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

- (n) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (o) There shall be no entertainment, no dancing, and no dance floor provided.
- (p) Neither the facility nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event at the facility.
- (q) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate

neighborhood and the effect of the proposed type of special exception use on the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting operation of an Eating and Drinking Establishment on this property, adopted on February 6, 2007, (Ordinance No. 42,549) and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (3 pages)

Exhibit B (1 page)

Adopted by Council February 26, 2013
Effective February 26, 2013

TRUE COPY

TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____

DEPUTY CITY CLERK

H-8



**City of
Norfolk**

EXHIBIT "A"

Description of Operations:
Eating and Drinking Establishment

Date of Application _____

Trade name of business: The Gracie Street Grill

Address of business: 217 Grace Street Norfolk VA 23510

Name(s) of business owner(s): Wayne M. Showers

Name(s) of property owner(s): Jonathan P. Decker

Name(s) of business manager(s)/operator(s): Wayne M. Showers

Daytime telephone number: (865) 466-0218

* If business or property owner is an LLC or Corporation, all partners must be listed.

1. Proposed Hours of Operation:

Facility	7:00 AM	Alcoholic Beverage Sales
Weekday From <u>11:00 AM</u> To <u>11:00 PM</u>	Weekday From <u>11:00 AM</u> To <u>11:00 PM</u>	
Friday From <u>11:00 AM</u> To <u>2:00 AM</u>	Friday From <u>11:00 AM</u> To <u>2:00 AM</u>	
Saturday From <u>11:00 AM</u> To <u>2:00 AM</u>	Saturday From <u>11:00 AM</u> To <u>2:00 AM</u>	
Sunday From _____ To _____	Sunday From _____ To _____	

2. Seating (Approved floor plan must be attached)

a. Indoor

Number of seats 20 Number of bar seats 6
(not including bar seats) Number of tables 9/10

b. Outdoor

Number of seats _____ Number of tables _____

c. Number of employees 2/3

Total Occupancy (Indoor and Outdoor and employees) 31

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

5-8

Exhibit A
Eating and Drinking Establishment
Page 2

3. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

2-Tops 4-Tops 6-Tops

Other: _____

4. Will indoor or outdoor entertainment be provided? 1 Piece-Band, (unamplified)
(Entertainment consists of anything more than one, unamplified musician)
☒ Yes (Different application required) ☐ No

5. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

6. Will video games, pool tables, game boards or other types of entertainment be provided?
☐ Yes ☒ No

6a. If yes, please describe type and number of each game to be provided:

7. Will patrons ever be charged to enter the establishment?

☐ Yes ☒ No

7a. If yes, why:

7b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

8. Will the facility or a portion of the facility be available for private parties?

☒ Yes ☐ No

8a. If yes, explain:

BOT will be open to public as well
Birthdays

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Exhibit A
Eating and Drinking Establishment
Page 3

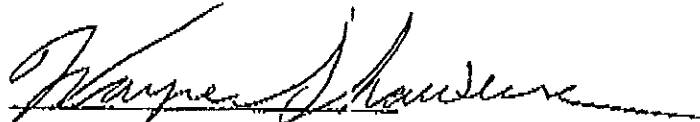
9. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

9a. If yes, explain:

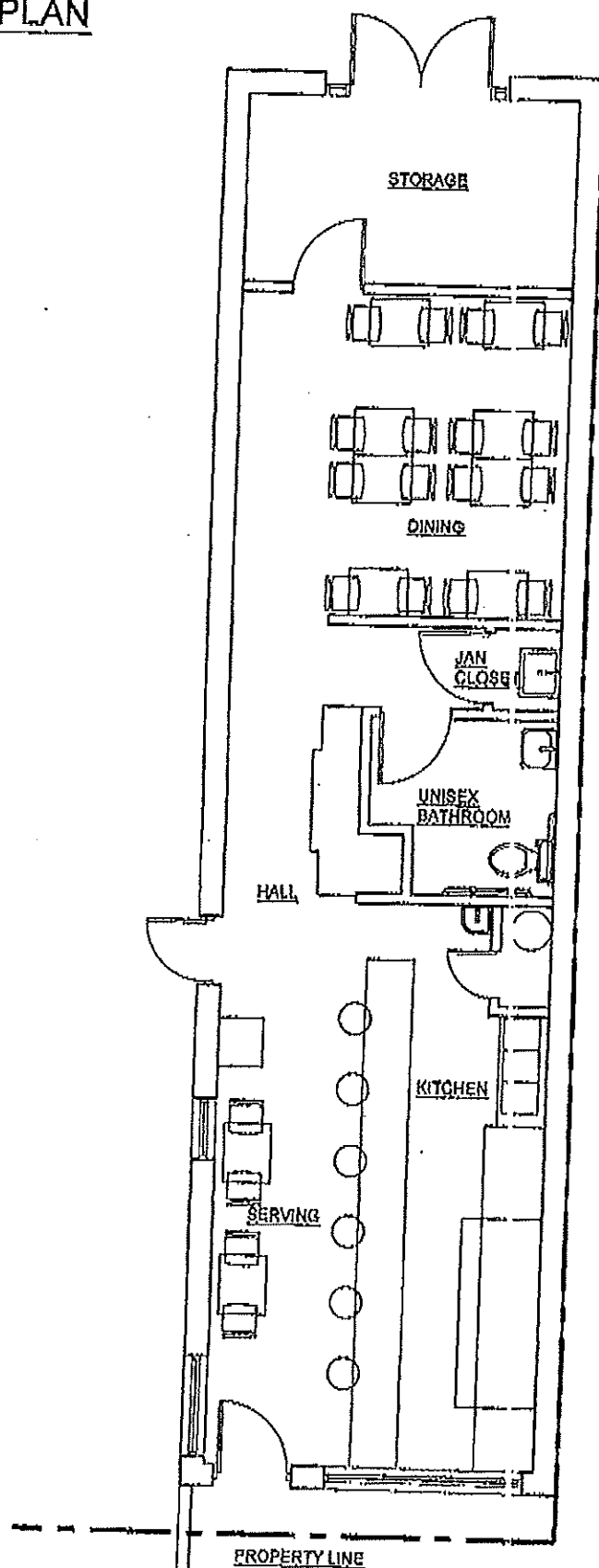
10. Type of ABC license applied for (check all applicable boxes):
☒ On-Premises ☐ Off-Premises (second application required)

11. Will there ever be a minimum age limit?
☐ Yes ☒ No

12. Additional comments/description/operational characteristics:


Signature of Applicant

FLOOR PLAN

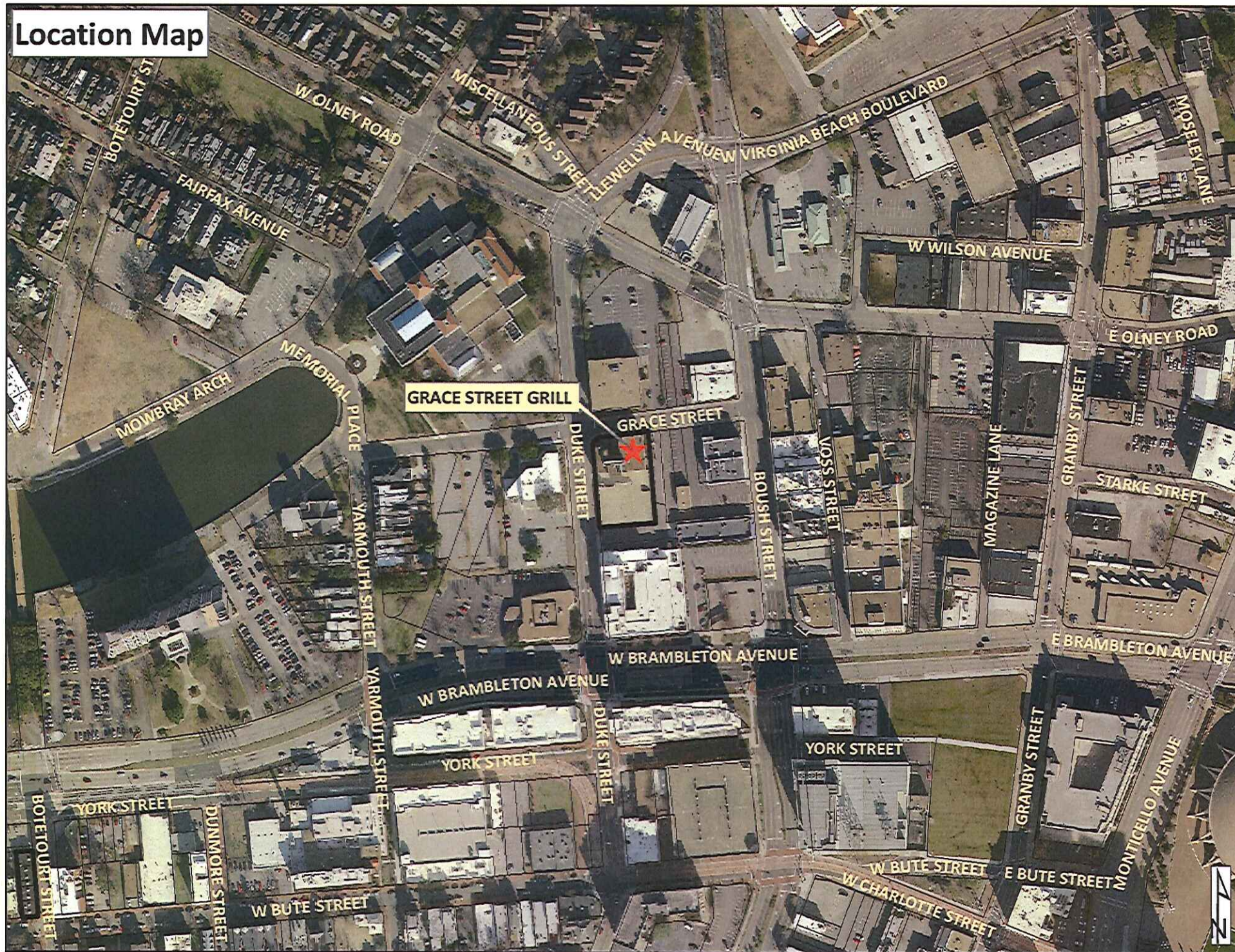


GRACE STREET GRILL

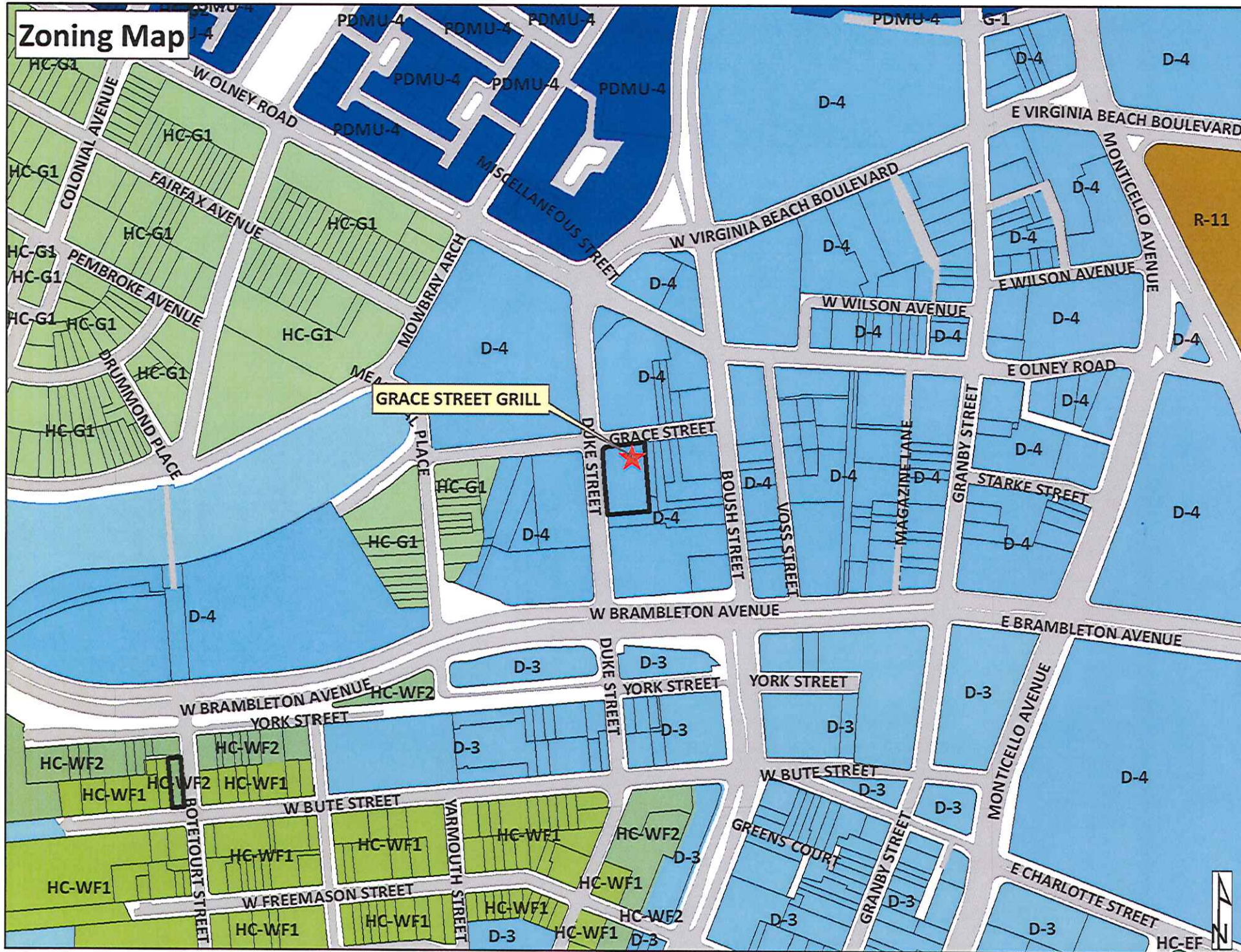
17 GRACE STREET NORFOLK

SCALE: 3/16" = 1'-0" DECEMBER 09, 2012

Location Map



Zoning Map



**City of
Norfolk****APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT**Date of Application: 12/10/12**DESCRIPTION OF PROPERTY**Property location: (Street Number) 217 (Street Name) Grace StreetExisting Use of Property RestaurantCurrent Building Square Footage 960Proposed Use RestaurantProposed Building Square Footage 960Trade Name of Business (If applicable) Grace St. Grill**APPLICANT/ PROPERTY OWNER**1. Name of applicant: (Last) Showers (MI) M
(First) WayneMailing address of applicant (Street/P.O. Box): 2206 Pine Shore Cir.(City) Virginia Beach (State) VA (Zip Code) 23455Daytime telephone number of applicant 865 466-0248 Fax number ()E-mail address of applicant: wayne@showers.com2. Name of property owner: (Last) Decker (MI) P (First) JonathanMailing address of property owner (Street/P.O. box): 301 Lynnhaven Parkway(City) Virginia Beach (State) Virginia (Zip Code) 23457Daytime telephone number of owner (757) 560-1676 Fax number (757) 422-5760**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

Application
Eating and Drinking Establishment
Page 2

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin Murphy 626-3865

Date(s) contacted: 12/10/12 NO ISSUE

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- ✓ Check for \$265.00 made payable to Norfolk City Treasurer.
- ✓ 2 8½x14 copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example).
- ✓ 2 8½x14 copies of a floor plan drawn to scale showing seats, tables, bar, dance floor area, disc jockey area, and ingress and egress (see attached example).
- ✓ Completed Exhibit A, Description of Operations.
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED:

[Signature] 11 / 28 / 12 .
(Property owner or authorized agent signature) (Date)

SIGNED:

[Signature] 1 / 1
(Applicant signature) (Date)

H-8


**City of
Norfolk**

EXHIBIT "A"
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Eating and Drinking Establishment

Date of Application _____

Trade name of business: The Grace Street Grill
 Address of business: 217 Grace Street Norfolk VA 23510
 Name(s) of business owner(s)* Wayne M. Showers
 Name(s) of property owner(s):* Jonathan P. Decker
 Name(s) of business manager(s)/operator(s): Wayne M. Showers
 Daytime telephone number: (865) 466-0248

* If business or property owner is an LLC or Corporation, all partners must be listed.

1. Proposed Hours of Operation:

Facility		Alcoholic Beverage Sales	
Weekday	From <u>7:00 AM</u> To <u>11:00 PM</u>	Weekday	From <u>11:00 AM</u> To <u>11:00 PM</u>
Friday	From <u>7:00 AM</u> To <u>2:00 AM</u>	Friday	From <u>11:00 AM</u> To <u>2:00 AM</u>
Saturday	From <u>7:00 AM</u> To <u>2:00 AM</u>	Saturday	From <u>11:00 AM</u> To <u>2:00 AM</u>
Sunday	From _____ To _____	Sunday	From _____ To _____

2. Seating (Approved floor plan must be attached)

- a. **Indoor**
 Number of seats 12 Number of bar seats 3
 (not including bar seats) Number of tables 0
- b. **Outdoor**
 Number of seats _____ Number of tables _____
- c. **Number of employees** 18

Total Occupancy (Indoor and Outdoor and employees) 18

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

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5-8

Exhibit A
Eating and Drinking Establishment
Page 2

3. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

✓ 2-Tops _____ 4-Tops _____ 6 Tops

Other:

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☐ Yes ☒ No

6a. If yes, please describe type and number of each game to be provided:

7. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

7a. If yes, why:

- 7b. Which days of the week will there be a cover charge (circle all applicable days):

Monday	Tuesday	Wednesday	Thursday	Friday
1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31				

Saturday Sunday

8. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

8a. If yes, explain:

yes, explain: BOT will be open to public as well

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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Exhibit A
Eating and Drinking Establishment
Page 3

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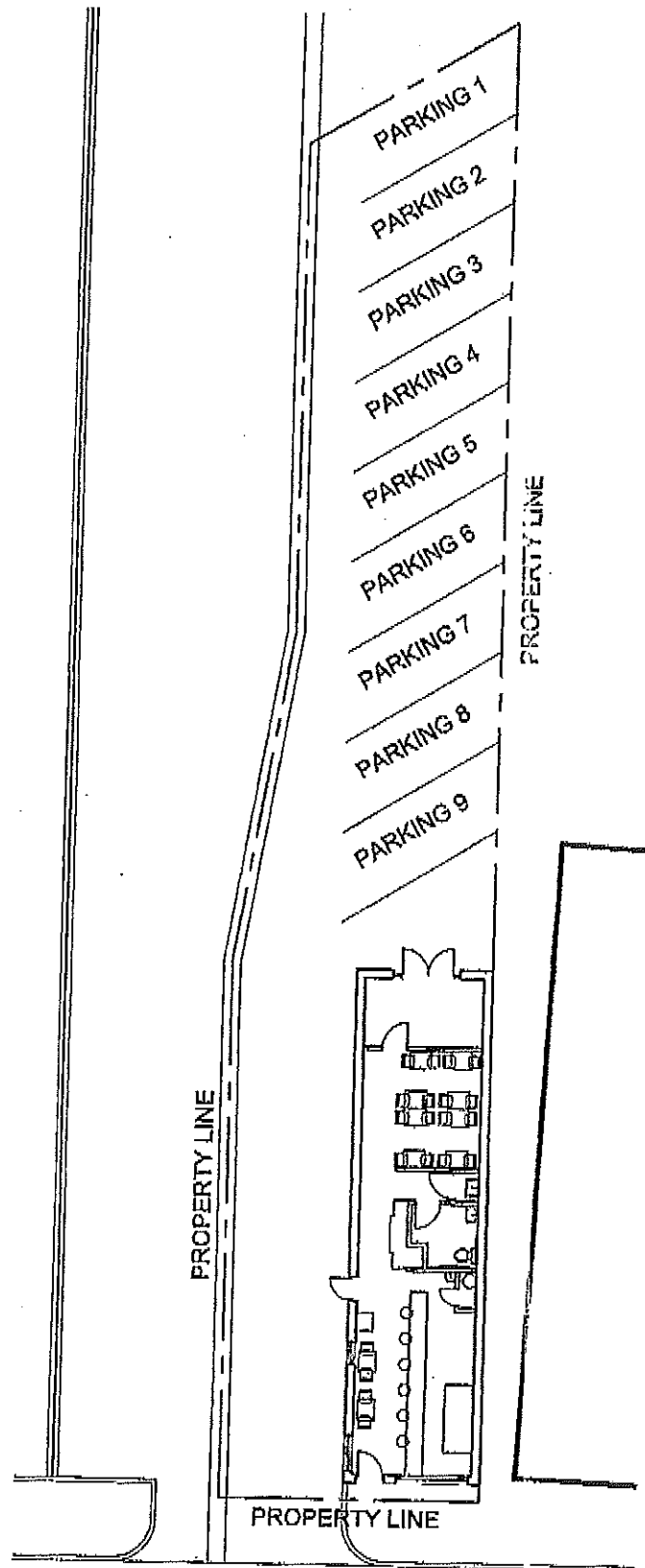
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Signature of Applicant

SITE PLAN

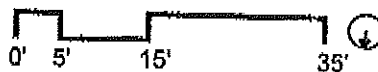
7-8



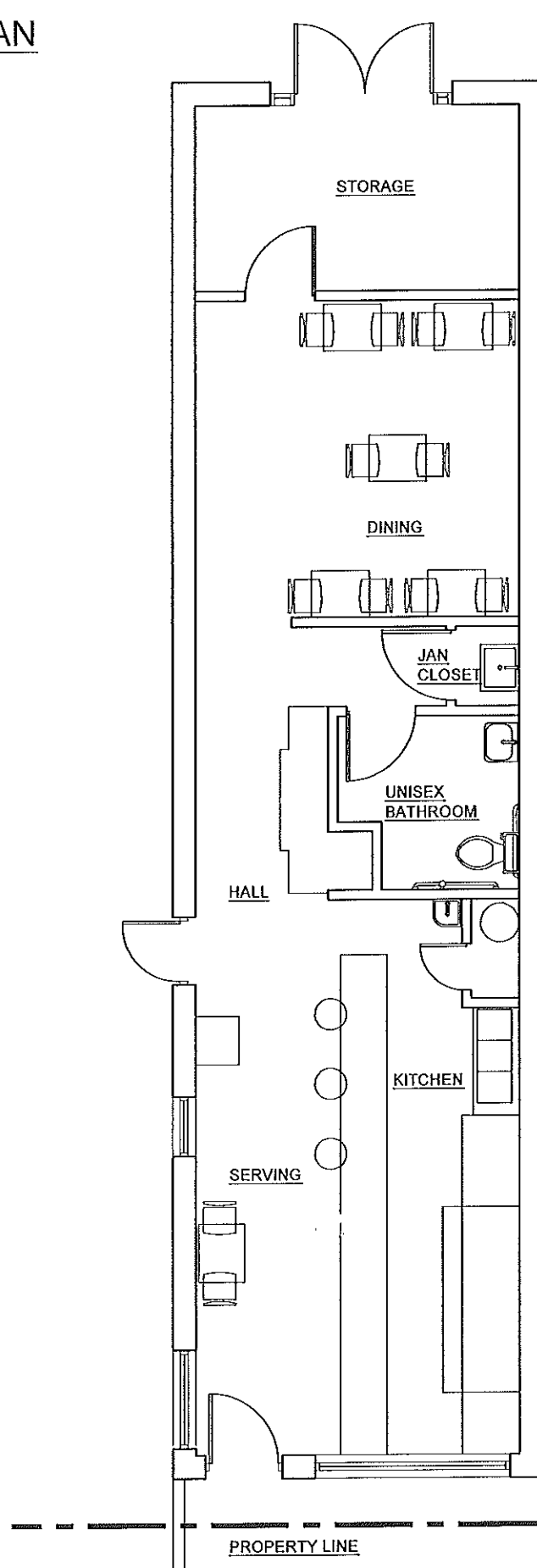
GRACE STREET GRILL

17 GRACE STREET NORFOLK

SCALE: 1/16" = 1'-0" DECEMBER 06, 2012



FLOOR PLAN



GRACE STREET GRILL
17 GRACE STREET NORFOLK

SCALE: 3/16" = 1'-0" DECEMBER 06, 2012



City of NORFOLK

December 28, 2012

Mary Miller
President, Downtown Norfolk Council
201 Granby Street, Suite 101
Norfolk, VA 23510

Dear Ms. Miller,

The Planning Department has received an application from Wayne Showers for a Special Exception to operate an Eating and Drinking Establishment on property at 217 Grace Street. This request is tentatively scheduled for the January 24, 2013 City Planning Commission public hearing.

Summary

This request will allow a new owner/operator, Wayne Shower, to operate Grace Street Grill and offer alcohol to his customers.

	Current	Proposed
Hours of Operation and	7:00 a.m. until 11:00 a.m., Monday –Thursday 7:00 a.m. until 2:00 a.m., Friday and Saturday Closed on Sunday	7:00 a.m. until 11:00 a.m., Monday –Thursday 7:00 a.m. until 2:00 a.m., Friday and Saturday Closed on Sunday
Hours for the Sale of Alcohol and Entertainment	N/A	11:00 a.m. until 11:00 a.m., Monday –Thursday 11:00 a.m. until 2:00 a.m., Friday and Saturday Closed on Sunday
Seating Capacity	15 seats indoors 0 seats outdoors 18 total capacity	Unchanged

If you would like additional information on the request, you may contact the applicant at (865) 466-0248 or you may telephone Susan Pollock on my staff at (757) 664-4765. A copy of the complete application is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank M. Duke", with a long horizontal flourish extending to the right.

Frank M. Duke, AICP
Planning Director

cc: Oneiceia Howard, Neighborhood Development Specialist



City of NORFOLK

December 28, 2012

Kevin Murphy
President, Downtown Norfolk Civic League
P.O. Box 3655
Norfolk, VA 23514

Dear Mr. Murphy,

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Frank M. Duke, AICP
Planning Director

cc: Oneiceia Howard, Neighborhood Development Specialist